IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.306/2003

State of Rajasthan & Others
...defendant-appellants
Versus
Shri Lal Kishan S/o Shri Mohan Singh
...plaintiff-respondent
And
Shri Dheersingh S/o Shri Alvelsingh
...proforma-defendant-respondent

Date of Order ::: 03.10.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri R.B. Mathur, Counsel for defendant-appellants
####

By the Court:-

Heard learned counsel for the defendant-appellants.

The plaintiff-respondent filed a suit for declaration, permanent injunction and injunction in mandatory form, which was dismissed by the lower court. However, on an appeal filed by the plaintiff-respondent, the learned first appellate court decreed the suit of the plaintiff-respondent and directed the defendant-appellants to refund the forfeited earnest money of Rs.39,400/-, to the plaintiff-respondent. Being aggrieved with the same, the present second appeal has been preferred on behalf of the defendant-

appellants.

Shri R.B. Mathur, learned counsel for the defendant-appellants, argued the case at length.

After considering the submissions of the learned counsel for the defendant-appellants, I am of the view that the controversial issue involved in the present case relates to question of fact and there is a finding of fact by the first appellate court, which cannot be interfered with by this Court in second appeal under Section 100 of the CPC.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed at admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.

//Jaiman//